



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

December 30, 2011

Ralph Covell
5694 Bridge Street
Cambria, CA 93428

Greenspace
Appellant: Richard Hawley
PO Box 1505
Camria, CA 93428

SUBJECT: APPEAL OF RALPH COVELL (COVELL FUEL BREAK)
COUNTY FILE NUMBER: DRC2011-00035
HEARING DATE: DECEMBER 16, 2011 / PLANNING DEPARTMENT HEARINGS

We have received an appeal on the above referenced matter. In accordance with County Real Property Division Ordinance Section 21.04.020, County Land Use Ordinance Section 22.70.050, and Section 23.01.042 of the Coastal Zone Land Use Ordinance, the matter will be scheduled for public hearing before the County Board of Supervisors. A copy of the appeal is attached.

The public hearing will be held in the Board of Supervisors' Chambers, County Government Center, San Luis Obispo. As soon as we get a firm hearing date and the public notice goes out, you will receive a copy of the notice.

Please feel free to telephone me at 781-5718 if you have any questions.

Sincerely,

Nicole Retana

Nicole Retana, Secretary
County Planning Department

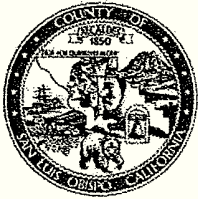
Cc: Ryan Hostetter, Project Manager
Nancy Orton, Division Manager
Jim Orton/Whitney McDonald, County Counsel

MEMORANDUM

DATE: DECEMBER 30, 2011
TO: JIM ORTON, COUNTY COUNSEL & WHITNEY McDONALD, COUNTY COUNSEL
FROM: NICOLE RETANA, PLANNING
RE: **APPEAL OF RALPH COVELL – DRC2011-00035**

Please find attached copies of associated correspondence which have been forwarded to the Project Manager and Supervisor.

#852



COASTAL APPEALABLE FORM

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

Please Note: An appeal should be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

DRC 2011 - 00035

PROJECT INFORMATION

Name: COVELL FUEL BREAK

File Number: DRC 2011 - 00034

Type of permit being appealed:

- ☐ Plot Plan ☐ Site Plan ☒ Minor Use Permit ☐ Development Plan/Conditional Use Permit
☐ Variance ☐ Land Division ☐ Lot Line Adjustment ☐ Other: _____

The decision was made by:

- ☐ Planning Director (Staff) ☐ Building Official ☒ Planning Department Hearing Officer
☐ Subdivision Review Board ☐ Planning Commission ☐ Other: _____

Date the application was acted on: 12/15/2011

The decision is appealed to:

- ☐ Board of Construction Appeals ☐ Board of Handicapped Access
☐ Planning Commission ☒ Board of Supervisors

BASIS FOR APPEAL

☒ INCOMPATIBLE WITH THE LCP. The development does not conform to the standards set forth in the Certified Local Coastal Program of the county for the following reasons (attach additional sheets if necessary)

Explain: SEE ATTACHMENT

☐ INCOMPATIBLE WITH PUBLIC ACCESS POLICIES. The development does not conform to the public access policies of the California Coastal Act – Section 30210 et seq of the Public Resource Code (attach additional sheets if necessary).

Explain: _____

List any conditions that are being appealed and give reasons why you think it should be modified or removed.

Condition Number _____ Reason for appeal (attach additional sheets if necessary)

SEE ATTACHMENTS

APPELLANT INFORMATION

Print name: GREENSPACE - THE CAMBRIA LAND TRUST

Address: BOX 1505 CAMBRIA, CA 93408 Phone Number (daytime): 805-927-2866

I/We are the applicant or an aggrieved person pursuant to the Coastal Zone Land Use Ordinance (CZLUO) and are appealing the project based on either one or both of the grounds specified in this form, as set forth in the CZLUO and State Public Resource Code Section 30603 and have completed this form accurately and declare all statements made here are true.

Signature

Date

OFFICE USE ONLY

Date Received: 12/30/11

By: WAP

Amount Paid: 0

Receipt No. (if applicable): N/A

COASTAL APPEAL FORM
SAN LUIS OBISPO COUNTY PLANNING & BUILDING
SLOPLANNING.ORG

PAGE 2 OF 3
JULY 1, 2010
PLANNING@CO.SLO.CA.US



December 28, 2011

Ryan Hostetter
County Building and Planning
County Government Center
San Luis Obispo, CA 93408

RE: Covell/Cal Fire Fuel Break, Cambria DRC2011-00034

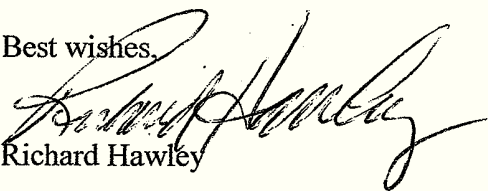
Dear Ryan:

Greenspace – the Cambria Land Trust appeals project DRC2011-00034 to the San Luis Obispo County Board of Supervisors. The Minor Use Permit hearing on December 15, 2011 failed to address or failed to satisfy matters of law and recommendations and direction suggested by Greenspace in our letter dated November 14 and November 29, 2011. In addition, the MUP hearing failed to address issues raised by the California Coastal Commission in a letter dated November 14, 2011 to Jason Giffen, director of the San Luis Obispo Planning and Building Department. Lastly, I refer you to a letter written by the Cambria Forest Committee on October 10, 2011 where site disturbance was a major issue.

Again, Greenspace wants to make it very clear that we are in favor of fuel reduction on the urban edge but firmly believe that fuel modification can be accomplished within the framework of the Coastal Zone Land Use Ordinance and the California Coastal Act. As the project was approved by the hearing officer at the December 15, 2011 Minor Use Permit Hearing we think the law has not been adequately followed and we believe the project is in clear violation of specific ordinances mentioned in the letters described above.

I have attached the four letters for your review as the reasons why Greenspace is appealing the Minor Use Permit hearing decision.

Best wishes,


Richard Hawley

CC: Dan Carl, Central Coast District of the California Coastal Commission

Attachments: Two Greenspace letters; Cambria Forest Committee letter; Dan Carl letter

RICHARD HAWLEY
EXECUTIVE DIRECTOR



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Brandt Kehoe	Katherine Cochran
Bill Knight	Deborah Parker, Emeritus Director

Ryan Hostetter, Environmental Planner
San Luis Obispo County Depart of Bldg. and Planning.
County Government Center
San Luis Obispo, CA 93408

COPY

November 14, 2011

RE: Bridge Street Fuel Break - DRC2011-00035

Dear Commissioners and Ryan Hostetter:

Thank you for the opportunity to comment on the above mentioned fuel reduction project. Greenspace is a founding board member of the San Luis Obispo County Community FireSafe Council and have just recently retired from nearly 10 years of service.

I want to make it clear that Greenspace supports a shaded fuel reduction project along the Urban Wildland Interface (WUI) in our community but the proposed project is flawed and is not consistent with the CZLOU/LCP and the California Coastal Act.

There seems to be some confusion as whether this proposed project is a minor use permit or a coastal development permit. We think the project is clearly a Coastal Development. The

With that said, please consider the below comments based on a Mitigated Neg-dec from CalFire and from inconsistencies in the Local Coastal Plan and the California Coastal Act and PRC as it pertains to conservation lands held in the public trust. We will certainly be interested in reading the staff report on this project and will make further comments on this issue at that time.

- The first issue is the name of the project. It is misleading and gives many in the community a false sense of where the project is located. If you have ever been in our community and driven on Bridge Street you would be confused. Perhaps 10% of the project is located adjacent to Bridge Street. The entire project is located on the Covell Ranch. Consider calling it by a name that accurately describes the project location. A suggestion is the 'Covell Ranch Fuel Break'.
- We are aware that the entire proposed project is under a public financed Conservation Easement (CE) held in the public trust by The Nature Conservancy (TNC). We obtained a copy of this document and discovered that much of the work proposed by this MND is not allowed in the declarations of the CE. We also noticed that public access to the

property is required but under decent supervision one month per year. Please explain these discrepancies. This is a very important issue that the MND fails to consider and we believe it is not consistent with California Environmental Quality Act (CEQA). We also think that the document is not consistent with the Local Coastal Plan nor is consistent with the California Coastal Act. The MND lacks essential findings that support the plans lack of mitigation and the plans lack of identifying and securing funds to monitor and maintain this disturbance from becoming an exotic plant and weed-infested fire trap.

- Based on the fact that the native Monterey pine forests are considered a forest habitat that is under severe threat due to habitat loss, fragmentation, and development we question the need for a 100 foot to 150 foot wide fuel break when a 50 - 75 foot graduated shaded fuel break would result in defensible space appropriate for the climate and forest type. The plan fails to consider the distance between existing structures and the CE. The onus of fuel modification is clearly placed on the Covell Ranch and the Cambria side of the equation appears not included in the total fuel reduction area. We think that this project is creating a classic "edge effect" and as proposed will require a level of mitigation that has not been remotely analyzed or even considered in this document. As a matter of fact, the edge effect has two sides on part of the proposed project as new fragmentation occurs as the proposed project leaves the Bridge Street area and a fuel break swath of 150 feet occurs that has two sides. Consequently, the effected area could easily double. Again, poorly thought through and no mitigation for the loss of habitat.
- Based on tree loss in California by fragmentation, habitat loss, and disease we think the carbon sequestration issue in our state is vastly underestimated and the loss of carbon sequestration with 50 acres of vegetation removals PLUS the edge effect must be included in the discussion and adequate mitigation developed.
- Masticators create fear and angst for residents. There are studies that prove the use of masticators to reduce fuel loads actually worsen the problem of wild fires. This type of equipment is not appropriate for the soil types and for the species of pine in this project. It is also not appropriate to use because of the proximity of people. The Masticator aerates poison oak into fine particles that can be inhaled or settle on skin, furniture, pets and other things that humans frequently come in contact with. No mitigation was offered for this condition. The Masticator appears to be used as a cost saving application only and little thought has gone into the health issues raised by this equipment. We think our forest and residents are more important then saving a few dollars for expediency sake. We think employing people to conduct this work is the correct method of removing fuel ladders and trimming vegetation not pulverizing and

grinding and then broadcasting matter into the surrounding habitat. To be blunt, the project appears to be underfunded.

- The Bridge Street asphalt surface must be used as part of the fuel break width thereby reducing the encouragement into the forest along this reach of the project. It will also reduce the cost.
- The monitoring impacts for wood rats are an important part of this project. The monitoring plan is not adequate and will NOT give any science based information on the impacts to these mammals caused by habitat loss from this proposed project.
- The tree removal regime as described in the MND is not clear and makes little sense. It appears to be based on a timber harvest plan and not from the perspective of a forest ecologist. The forest is now protected using state funds. The state of California has a financial investment in this property and owns certain rights held in the public benefit. We see no facts that support the removal of a certain class of trees over another age class of trees. The point of the CE is to protect the forest unit and promote regeneration. We believe that fuel management is part of conservation and public safety goals but the MND has not demonstrated this balance.
- The protocol on monitoring the fuel break over time for invasive plants and for forest regeneration is basically worthless. We would like to see a plan developed for this monitoring and see a secure funding source to do this work. The plan needs to address fixing problems of no regeneration and invasive plant removal plus show a secure funding source to do the work. The results of this monitoring and remediation must be accessible to the public and reported to the Cambria Forest Committee by CalFire and TNC. This is an essential part of mitigation for the proposed project.
- The fuel break will not increase biodiversity unless you mean the introduction of weedy and invasive material. This fiction needs to be taken out of this document unless you have specific examples that prove otherwise.
- We have concerns that there are parts of this fuel break regime that are not fully disclosed to the public. At a meeting with CalFire, TNC, and the Cambria Fire Department it was said that grazing would be part of the invasive weed control after the understory removal occurs. There is no mention of grazing. That is not to say that grazing is necessarily bad or good but it now appears it is not part of the program. Is this true or not? The MND also mentions potential road building but it is not part of this plan – what does this mean? Will the community need to review other

parts to this fuel reduction program? It appears that this plan is a piece of a larger plan and therefore not in compliance with CEQA.

- The existing cemetery is a shaded fuel break and another fuel break surrounding the cemetery is redundant and a needless encroachment on ESHA and a property held in the public trust by TNC.
- The permit application states that 10,000 trees will be removed but we see no mitigation for this loss of canopy. The LCP clearly states that tree replacement is needed when oak trees and Monterey pines trees are removed.
- This project is larger than 3 acres and requires a Coastal Development Plan (SLO code §23.03.042).
- Fuel reduction in Cambria is currently being piecemealed – that is to say that the Cambria Fire Department and CalFire project are clearly linked and should both be analyzed as one project impacting a small forest.
- Lastly, Greenspace supports proper and appropriate fuel management but the proposed plan fails to address many issues of concern and does not adequately support claims in the MND document.

Again, we appreciate the opportunity to comment on this potentially beneficial plan and look forward to reading a revised fuel management plan that demands a broader approach to managing a rare forest ecosystem.

Sincerely,

Richard Hawley



Ryan Hostetter, Planner
SLO County Department of Planning
County Government Center
San Luis Obispo, CA 93408

November 29, 2011

(Email – no letterhead – USPS letterhead)

Dear Ryan,

CalFire, a representative from the North Coast Advisory Council and two Greenspace representatives meant at the Greenspace office to discuss the Covell Ranch Fuel Break proposed plan. The objective of the meeting as, I viewed it, was to attempt to find a resolution on the manner in which the proposed fuel reduction plan could move forward without continued friction on methodology. The meeting was cordial and CalFire explained to us the rationale for the MUP and how it fits into the tree removal aspect of the Coastal Zone Land Use Ordinance.

We also made a site visit to an area already flagged for tree removal and walked a small section of the area. We learned that there were mistakes in the flagging – that is to say, healthy trees were on the chopping block, the entire understory was to be removed and invasive plants – in the case pampas plants where to be masticated without removal of the seed heads.

Greenspace offered to make some significant concessions on the use of masticators. We could see a limited use in certain areas but were still uncertain what kind of constraints might apply and none were offered by CalFire. We talked about CEQA and decided not to discuss that at this meeting because we had not had the opportunity to read any staff analysis from comments on the MND. We suggested that Bridge Street and both road shoulders be included in the width of the fuel break thereby reducing the impact on the forest but it was rejected. We suggested an overall reduction in width – 50 – to 75 feet depending on conditions and this was rejected. We were very interested in seeing what CalFire could do that would ease the assault on the forest with their project but to our dismay CalFire refused to budge from their steadfast position. Perhaps the most striking aspect of this project is that it was developed through the eyes of persons looking at his stand of trees from a timber harvest point of view and not from the point of view of habitat land set aside for conservation. Two completely separate objectives. Lastly, we learned that this project was in the making for ten years which makes one wonder why none of the community groups had any say in the process other than commenting on the already completed MND.

RICHARD HAWLEY
Executive Director



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Bill Knight	Deborah Parker, Emeritus Director

After thinking about what we learned from the meeting I consulted a number of people who are versed on land use issues and offer the following analysis to be included with my prior letter sent to you a few weeks ago for your consideration at the Minor Use Permit Hearing (MUP).

Greenspace is concerned that the Covell fuel break project is being processed as a minor use permit instead of a development plan. Section 23.03.042 of our CZLUO requires a development plan for removal of over three acres of natural ground cover. It is my understanding that the project is being processed a minor use permit on the idea that it is a tree removal permit under CZLUO section 23.05.060.

The problem is that those sections don't apply to a project of this magnitude where specific trees will not be assessed for compliance with the ordinance requirements or individually tagged for removal.

I am sure you are aware that this project is development as defined by the coastal act and county ordinance which includes "grading, *removing*, dredging, mining, or *extraction of any materials*" and "the *removal* or harvesting of *major vegetation*". Development requiring a CDP does not have to be construction. Again, the understory removal issue arises.

When you read sections 23.05.060 – 064 you can see that those sections very clearly apply to removal of specifically identified individual trees. Not for the removal of 10,000 trees or even 100 trees that aren't individually assessed.

If this section applied (and if were being carried out), the application would have to describe the "size, species, and condition (e.g. diseased, healthy, etc.) of *each tree* proposed for removal." That is in 062(3) (A). The applicant would have to show why each tree should be removed based on specified criteria. Each tree to be cut would have to be tagged or marked. (We clearly saw errors with what trees where to be kept and which ones were to be removed while on our site visit).

For the tree removal permit process to apply, each tree would have to be replaced – one to one. This is subsection .064(3). Is there a one-to-one replacement element to this project?

In addition, the ordinance makes it clear that it doesn't apply where the tree cutting removes more than 6,000 square feet of vegetation. Where there is over 6,000 square feet of vegetation to be removed, the project is subject to minor use approval instead of a tree removal permit. This is .062(1) (E). Section (1) (D) likewise requires a minor use

permit where the trees to be cut are the identified sensitive resource in a sensitive resource area as they are here. The tree removal ordinance tells you that it does not apply to this project.

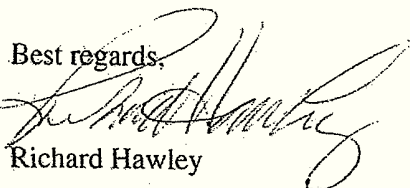
Yes, you are providing a minor use permit process – but not under sections 23.05.060 – 064. The project doesn't fit into these sections and it is not being processed by the requirements of these sections. These sections require a plot plan and where these sections *do not apply*, a minor use permit is required.

Also permit requirements in the coastal zone are governed by section 23.03.042 and table 3-A under that section makes it very clear that removal of over three acres of natural ground cover (which is what this project is) requires a development plan which is supposed to go directly to the Planning Commission.

The difference is not only that the Planning Commission is authorized to take action on a development plan and that it is supposed to go directly to the commission. The processing of this project as minor use permit related to a tree removal permit is that it is not being properly reviewed as a coastal sensitive resource area and an environmentally sensitive habitat area – both of which require additional information on the application, additional land use permit processing requirements, and applications of specific standards under the CZLUO.

For these reasons I ask staff to reconsider the idea that this project falls under a tree removal permit and to process this project as a development plan under section 23.03.042 with full application of coastal zone LCP requirements.

Best regards,



Richard Hawley

CC: Jonathon Bishop, Coastal Commission Staff

COPY

Dan Foster, Senior Environmental Planner
California Department of Forestry and Fire Protection
Program – Environmental Protection
P.O. Box 944246
Sacramento, CA 94244-2460

October 10, 2011 by e-mail

**RE: Mitigated Negative Declaration (MND) Bridge Street Fuel Break Project
SCH# 2011081093**

Dear Mr. Foster:

This letter is a revised replacement version of our earlier dated letter. It incorporates additional suggestions and deletions from Cambria Forest Committee directors not included in the earlier letter. Our Committee generally supports the creation of shaded fuel breaks along the urban interface. Please consider the following comments on the Mitigated Negative Declaration for the Bridge Street Fuel Break Project in Cambria, compiled by and approved by the Cambria Forest Committee. In summary, we believe that certain potential adverse impacts have not been fully identified and that additional mitigation measures are needed.

The currently named project does not adequately describe the area that is under review. It is misleading and clearly confuses the public. Nearly the entire proposed project is on the Covell Ranch and it would be more appropriate to identify the project as the "Covell Ranch Fuel Break Project", or a similarly more accurate name.

In the project description, it is stated that trees less than 10 inches DBH beneath the canopy of overstory trees will be removed. We recommend that in areas where the larger trees are unhealthy, widely spaced or near the end of their lifespan, healthy trees less than 10 inches DBH be retained to promote the re-establishment of larger trees as quickly as possible in all areas. This policy should apply to future maintenance clearing as well. In the future, replanting of trees in areas with no existing healthy trees should be considered.

The use of a masticator or other heavy equipment in a Monterey pine forest can have an adverse impact on the health of the trees. Compaction of the soil and tree roots as well as direct machine impacts can injure or kill the trees. We recommend a mitigation measure that requires all heavy equipment to remain at least 15 feet away from retained trees and brush.

The statements in the current project description about monitoring the fuel break in the future for the invasion of exotic plants into the disturbed habitat are lacking adequate

information. More detailed and specific information is required on how exotics will be effectively controlled or eliminated so that the fuel break does not contribute to the degradation of the forest.

Closely related to the issue of monitoring invasive vegetation, is what monitoring will be done to ensure that native trees indeed regenerate and grow to maturity in the fuel break, as the proposed MND claims will happen. Additional description of the planned monitoring activities should be added to the project description.

The claim that the fuel break will increase biodiversity is questionable. The likely increase in diversity will be in exotic weed species, not the few natives that are characteristic of the forest in Cambria.

There seems to be an inconsistency in the project documentation regarding the treatment of snags. This should be clarified. In one part of the document they are to remain standing, whereas in another section they are to be removed. While the discussion of the importance of snags for bats is accurate, we think that snags are important as granaries for acorn woodpeckers and especially as a source of nesting cavities for a large number of birds.

During the public meeting on March 10, 2011, it was stated that existing invasive plants would be treated or removed in the affected area before the main project begins. The plan does not mention herbicides even though at the March 10th meeting it was clearly stated that herbicides would be used. The plan states that French broom will be removed by hand only when feasible. Does this mean herbicides will be used in other areas? The CFC thinks this statement points to a pervasive problem in this plan, which is a lack of an effective clear and specific plan of action to address the removal of current and future invasive exotic plants. In addition, using a masticator to remove existing invasive plants like brooms will almost certainly spread the seeds of this plant, which must be avoided. To remove the existing brooms by cutting them at ground level is not a solution because these plants will regrow from the remaining root. They must be either completely removed including roots, or killed with a herbicide. The CFC would like to know how many gallons of herbicide will be used and what the half-life is of the specific herbicide.

One of the justifications for the project is the high level of public use based on the number and condition of trails in the area, which increases the chance of an accidental fire started by people in the forest. A fuel break, without an effective method of controlling access, could expand the probability of public access and the potential for starting a fire.

At the CFC public meeting held on March 10, 2011 there was a discussion of cattle grazing and fencing, and the need for monitoring of regeneration of both native and exotic plants. This issue was not included in the MND. The CFC thinks the document must clearly state what the plan is for grazing. If grazing is to be used, it should be clearly defined in this document as part of maintenance of the fuel break. The use of cattle is an important issue (and it need not be negative), and a clear plan of exactly how the cattle will be managed

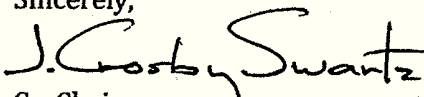
must be addressed, including stocking rate, season, and short-term as well as long-term monitoring.

The CFC is concerned that the proposed project is not in compliance with the Conservation Easement (CE) that was placed on the property. Public funds were used to augment the purchase of this land for the public benefit. The CE prohibits cattle grazing and motorized vehicles and allows public access on certain weekends with docent led hikes. We question if the proposed plan actually is legal from a CE point of view and why the California Department of Forest and Fire Protection or The Nature Conservancy has not addressed this problem.

The CFC is aware of three fuel breaks in the Cambria pine forest. The one at the Top of the World was implemented in 1996 by CalFire. Based on discussions with residents adjacent to the fuel break, it was poorly executed and never included any monitoring or maintenance. It has and continues to contain large amounts of fuel, including invasive plant material that probably resulted from the creation of the fuel break. A limited fuel break was completed in Strawberry Canyon and is partially maintained by the land owner. The fuel break on the East West Ranch is maintained by the Cambria Community Services District on a limited level. In order to avoid past problems with poorly maintained firebreaks, the CFC believes that the project documentation should include specific information about what agency or organization is responsible for maintaining the proposed fuel break in the Cambria Monterey Pine forest. Otherwise, the effort is a waste of effort and current funding that results in a potentially major impact on the forest with little long-term benefit for fire prevention.

In conclusion, the Cambria Forest Committee supports the creation of fuel breaks along the urban interface and agrees that protecting residents and community resources from wildfire is an important part of community planning. The Monterey Pine forest with its associated habitats in Cambria is a rare and important asset to the area. The CFC Directors feel that the proposed plan lacks adequate mitigation measures for the adverse impacts caused by the use of heavy equipment and masticators and does not adequately define future monitoring and maintenance responsibilities to ensure that the forest resource is protected and public funds are spent wisely.

Sincerely,



Co-Chairman

The Cambria Forest Committee



Secretary

The Cambria Forest Committee

CALIFORNIA COASTAL COMMISSION

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725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
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November 14, 2011

Jason Giffen, Director
San Luis Obispo County Planning and Building Department
County Government Center, Room 207
San Luis Obispo, CA 93408

Subject: CalFire's Proposed Shaded Fuel Break in Cambria (San Luis Obispo County Coastal Permit Application Number DRC2011-00034)

Dear Mr. Giffen:

We appreciated the opportunity to participate with County staff, CalFire, and other stakeholders in the pre-application meeting for CalFire's proposed Cambria shaded fuel break project a few weeks ago. Following that meeting, we received the County's request for our comments on the above-referenced coastal development permit (CDP) application for the proposed project. We also previously received a copy of the Draft Mitigated Negative Declaration (DMND) for the proposed project. Please accept the following comments on both the project and the DMND, including comments that reinforce some of the input we have provided to date (including during the recent stakeholder meeting) as well as refinement based upon more recent review of the proposed project materials.

To be clear from the onset, we are generally supportive of a project to address fire hazards in and around Cambria that will also be a resource management project premised on protection of habitat values associated with the Cambria stand of native Monterey pine forest. The Cambria stand is one of only five such native stands in the world; three of which are in coastal central California. In this respect, this forest area is not like other forested areas that are not as rare or sensitive. As you know, this forest is designated a Sensitive Resource Area (SRA) and an Environmentally Sensitive Habitat Area (ESHA) by the San Luis Obispo County Local Coastal Program (LCP). These designations allow for only limited development that is dependent on the forest resource and that does not result in significant habitat disruption. Thus, it will be critical that any approvable project be a forest management project that takes into account the whole of the forest resource and the relationship of this proposed project to it, and that is designed and implemented to foster preservation and health of the forest resource overall. To meet project and LCP hazard avoidance objectives, such a project will obviously need to also afford a reduction in fire hazard, but those fire hazard objectives should be carefully balanced with the habitat protection policies of the LCP.

From the materials we have reviewed, it appears that such a project is both feasible and can be implemented consistent with LCP. At the same time, we have some specific recommendations and questions that we believe are necessary to address to achieve a project that is consistent with the certified LCP, and that we hope will assist the County and CalFire as you move toward that

goal. Please consider the following:

CDP Type

One of the first steps in the development review process is to determine the type of permit required under the LCP. This is important, as the permit type dictates the appropriate course and level of review based on core project details. In this case, the LCP appears to require a Development Plan CDP because the project will affect more than 3 acres of natural groundcover (per CZLUO Section 23.03.042). We note that the documents you forwarded for review indicate that a Minor Use Permit CDP will be processed rather than a Development Plan CDP. Unless it can be shown that less than 3 acres of natural groundcover will be affected, it appears that a Development Plan CDP is necessary under the LCP. In addition, please note that because the project is located in an LCP designated SRA and ESHA, is within 100 feet of a coastal stream/wetland, and is not development listed in the LCP as the principally permitted use, any County actions to approve a CDP for a project like this are appealable to the Coastal Commission.

Native Monterey Pine Forest and Other Habitats

As you know, the LCP's ESHA, coastal stream, wetland, and other habitat and biological resource protection policies (including ESHA LUP Policies, CZLUO Section 23.07.160 through 23.07.176, and North Coast Area Plan (NCAP) SRA/MPF SRA Standards 1 and 5) establish a multi-tiered process that starts with a determination of whether such habitat areas are present. If so, the LCP then dictates that proposed projects avoid adverse impacts to such habitats, including through a combined approach of limiting allowable uses in such areas and requiring that such projects be sited, designed, and implemented in a manner that protects such habitats (including through setbacks, construction procedures, mitigation/restoration requirements, long-term management and monitoring of habitats, etc.). In general, the LCP objective is to avoid impacts to such habitats, and to ensure that allowed development adequately safeguards habitat resources.

In this case, it is clear that the proposed project is located within the native Monterey pine forest SRA/ESHA. Due to this status and the sensitivity of this resource, we believe certain project modifications will be necessary to achieve LCP consistency, much of that premised around refining the project parameters so that it is clearly a forest management project that could reduce fuel loading at the same time as including components designed ultimately to help protect the forest over the long-term. Because the Monterey pine forest is a fire-dependent resource (i.e., it is typically regenerated and reinvigorated from the effects of heat and fire), it is important that the project be designed as a resource management effort to help foster some of the same types of outcomes that might typically occur after a natural fire of this habitat, such as some understory/thatch thinning. In any case, the forest benefits of the proposed project need to be clearly articulated and identified.

In relation to the proposed project, we believe that that means that several aspects of it would need to be appropriately modified and refined in relation to the native Monterey pine forest

SRA/ESHA, including:

- Perhaps most critically, we believe that the project should consider the use of hand crews and more limited support equipment as opposed to the proposed heavy equipment (i.e., masticators, large tractors, loaders, etc.) in the forest to avoid degradation of soils/forest floor resources, to avoid the possible introduction/spread of invasive materials and species, to avoid indiscriminate removal of understory and overstory based on limitations of heavy equipment maneuverability and use tolerances, and to ultimately avoid significantly disrupting the forest resource as required by the LCP.
- In addition, we also believe that the project should be overseen by a biologist experienced with native Monterey pine forest resource ecology who would be able to direct field crews with respect to what to remove/modify, what to leave alone, and the most resource protective ways of going about it. Again, the intent in this respect is to ensure that the project will result in a net positive in terms of long-term health and viability of the forest resource in addition to reducing fire hazards, including while keeping in mind the LCP requirement of retaining as much native vegetation as possible.
- Also and related, we recommend that the width of the disturbance area be evaluated for whether it can be reduced from the proposed 100 to 150 feet to something less (e.g., 50 to 75 feet) and still meet project objectives, and/or whether a range of management measures within the disturbance area (whether the width is reduced or not) could be applied to better protect the resource (e.g., more to less aggressive modification extending from the edge of the forest toward the interior).
- In addition, we would like clarification regarding whether the portion of the project extending through the heart on the forest along both sides of Bridge Street is necessary and appropriate. The project materials that we have reviewed are unclear on this point. Unlike the portion of the project along the edge of the forest to the west, this portion of the project would appear to potentially have a significant impact on forest connectivity, and could lead to unnecessary fragmentation.
- Finally, the project materials and the DMND are unclear with respect to proposed replacement planting. As you know, the LCP requires replacement for any native tree greater than six inches in diameter that is removed (NCAP SRA Standards 1 and 5). The DMND appears to base its counts on a ten-inch standard, and this must be corrected to six inches per the LCP. In addition, it is unclear from the project materials where such replanting and/or offsetting revegetation otherwise would occur. Consistent with the above discussion, we believe that the replanting/revegetation component of the project needs to be bolstered, including with respect to LCP required replacement ratios. We recommend that any such replanting/revegetation associated with the overall project be envisioned in light of the forest as a whole. Again, in our view, an approvable project must take into account the way the

project area work affects the larger forest as a whole, and thus replanting/revegetation could thus be undertaken where it makes most resource sense forestwide, whether that means in or near the project disturbance area or not.

With respect to other habitat resources associated with the native Monterey pine forest in Cambria (e.g., streams, wetlands, riparian corridors, listed species, etc.), the measures identified above for pine forest would also help to protect and enhance these associated resources. However, certain other resources present in the project area have their own set of issues that will also require additional analysis and potential modification, including as follows:

- The project materials indicate that 25 to 50 foot "protection buffers" would be applied in relation to identified coastal streams. This raises several concerns. First, four streams are identified in this respect, but the DMND materials indicate that the project area also includes other ephemeral streams and areas with seasonally wet soils, some of which have a mix of riparian type plant species growing alongside upland plant species. However, the location and related attributes of these resource areas are not clearly identified. All of these resources need to be clearly identified so that project parameters may be adjusted as necessary and appropriate to meet LCP requirements related to them. Second, the LCP requires that development be set back a minimum of 100 feet from identified streams and wetlands, and only allows a limited subset of development within this 100-foot area if specific LCP exception findings can be made. Although some amount of forest management as described above may be appropriate as a resource management/enhancement measure for forest (as discussed above), the way in which vegetation management within the setback area from these wet resources affects such wet resource values must also be countenanced. Third, it is not clear from the materials provided that the "protection buffers" designation, however wide such buffers are, will adequately protect such resources consistent with LCP requirements. We recommend that all such wet resources be identified and 100-foot buffers be applied to them where any work within 100 feet is only allowed provided it is designed to foster habitat values (including in the way in which wet resource habitat values interact and overlap with forest resource habitat values) and provided the LCP exception findings can be made.
- The DMND lacks identification or analysis of potential impacts to listed species. Again, all such species that may be present need to be documented, and the project adjusted to avoid impacts.

Finally, it will be important to monitor and document the effects of the project so that future forest management projects can benefit from and adapt to any lessons learned. In that respect, we recommend that the project include a monitoring and reporting component designed to ensure that it not only functions as envisioned (including 'on-the-fly' adaptation as needed to ensure same through the work of the aforementioned biological monitor), but also to ensure that forest managers can learn from the project, including in such a way as to inform future projects and forest management efforts.

Other

We believe that a project refined in the ways identified above can likely be found consistent with LCP policies, but we also believe it raises some other issues, including as follows:

- The project area is subject to a conservation easement currently held by the Nature Conservancy. From what we understand of that easement, only a project as refined and re-envisioned above can be found consistent with the terms and conditions of that easement. It will be important that the ways in which the conservation easement affects potential project parameters be made clear in the County's process, and that any easement inconsistencies are clearly identified and addressed.
- The project materials and the DMND lack discussion of potential alternatives to the proposed project. In addition to the recommendations above, we believe it would be useful to begin exploring alternatives that could be used to help manage and maintain the native pine forest, including in relation to fire hazards and recognizing that it is located at the interface with the town of Cambria and its residents, residences, and other development. It occurs to us that there may be a range of alternative measures that could be applied over time that could help to avoid or minimize the need for projects such as the one proposed, and would be interested in seeing an evaluation of same moving forward. For example, grazing, prescribed burns, and modified fuel loading standards have all been applied and/or proposed in this and other native Monterey pine forests in California, and an evaluation of same would provide some context for understanding this project and others like it that may follow in the future.
- It is clear that the Cambria native Monterey pine forest as a whole would benefit from a more comprehensive management and planning effort that takes into account potential development and other factors, like the proposed project, that can affect it. Such an approach would have been particularly useful in helping to shape and evaluate this proposed project from the beginning, particularly to the extent it were made a part of the LCP, including because it could make clear to all the parameters of what is appropriate under the LCP (such as the modifications suggested above and others). Such a tool could also form the basis for pursuing and attracting funding to help implement measures that benefit the forest over time. We strongly encourage the County to work with interested stakeholders on just such a Cambria native Monterey pine forest management tool, and are available for consultation should such an effort move forward.

Thank you for the opportunity to comment on the proposed project, DMND, and CDP application. We hope that these comments prove helpful. Clearly, there are some aspects of the project that raise questions regarding the various resource protection and fire hazard mandates and laws that intersect at the Cambria native Monterey pine forest stand. Fortunately, in our view, the LCP (including in the way it derives its authority from the State Coastal Act) provides

Jason Giffen, San Luis Obispo County
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a way for these sometimes competing objectives to be reconciled in a way that reflects good planning and good public policy, and that recognizes and appropriately protects resource values of one of the last remaining native pine forest stands in the world. We look forward to reviewing revised project materials as they are developed, including in terms of the recommendations above, and are available for consultation as the project moves through your CDP process. If you or your staff have any questions regarding our comments or would like to discuss this matter further, please contact me or Jonathan Bishop of my staff at the address and phone number above.

Sincerely,



Dan Carl
District Manager - Central Coast District Office
California Coastal Commission

cc: Alan Peters, CalFire
Robert Lewin, CalFire
Bruce Gibson, 2nd District Supervisor
Ryan Hostetter, County Planning and Building Department